

## APPENDIX.

Applicable sections of the Longshoremen's and Harbor Workers' Compensation Act. (Mar. 4, 1927, c. 509, 44 Stat. 1494 [33 USCA Secs. 901 et seq.])

Sec. 8(d). "Any Compensation (for disability) to which any claimant would be entitled \* \* \* shall, notwithstanding death arising from other causes other than the injury, be payable to \* \* \* the persons following:

\* \* \*

(2) If there be a surviving wife or dependent husband and surviving child or children of the deceased under the age of eighteen years, one half shall be payable to the surviving wife \* \* \* and the other half to the surviving child \* \* \*

(3) The deputy commissioner may in his discretion require the appointment of a guardian for the purpose of receiving the compensation of the minor child \* \* \*"  
(33 USCA Sec. 908 (d)).

Sec. 9(b-c). "If the injury causes death, the compensation \* \* \* shall be payable \* \* \* to \* \* \* the persons following:

\* \* \*

"(b) If there be a surviving wife \* \* \* and no children of the deceased, to such wife \* \* \* and if there be a surviving child or children of the deceased, the additional amount of 10 per centum \* \* \* for each such child \* \* \* The deputy commissioner having jurisdiction \* \* \* may, in his discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child \* \* \*"  
(33 USCA Sec. 909 (b)).

"(c) If there be a surviving child or children of the deceased, but no surviving wife \* \* \* then for the support of each such child 15 per centum of the wages of the deceased \* \* \*"  
(33 USCA Sec. 909 (c)).



Sec. 13(c). "If a person who is entitled to compensation \* \* \* is mentally incompetent or a minor, the provisions of subdivision (a) (providing for the time within which claims must be filed) shall not be applicable so long as such person has no guardian or other authorized representative \* \* \*" (33 USCA Sec. 913 (c)).

Sec. 15(b). "No agreement by an employee to waive his right to compensation under this chapter shall be valid." (33 USCA Sec. 915 (b)).

Sec. 16. "No assignment, release, or commutation of compensation or benefits due or payable under this chapter, except as provided by this chapter, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors \* \* \*" (33 USCA Sec. 916).

Sec. 18. "In case of default by the employer in the payment of compensation due under any award \* \* \* the person to whom such compensation is payable may, \* \* \* make application to the deputy commissioner making the compensation order or a supplementary order declaring the amount of the default. \* \* \* Such supplementary order \* \* \* shall be final, and the court shall upon the filing of the copy enter judgment for the amount declared in default \* \* \* if such supplementary order is in accordance with law. \* \* \*" (33 USCA Sec. 918).

Sec. 19 (a-d). "(a) \* \* \* a claim for compensation may be filed with the deputy commissioner in accordance with regulations prescribed \* \* \*

(b) Within ten days after such claim is filed the deputy commissioner \* \* \* shall notify the employer and any other person, whom the deputy commissioner considers an interested party, that a claim has been filed.

(c) The deputy commissioner shall make or cause to be made such investigations as he considers necessary in



respect to the claim, and upon application of any interested party shall order a hearing thereon. \* \* \*

(d) At such hearing the claimant and the employer may each present evidence in respect of such claim \* \* \*

*Sec. 21 (a-b).* "(a) A compensation order shall become effective when filed in the office of the deputy commissioner as provided in section 19 \* \* \* and unless proceedings for the suspension or setting aside of such order are instituted as provided in subdivision (b) of this section, shall become final at the expiration of the thirtieth day thereafter.

(b) If not in accordance with law, a compensation order may be suspended or set aside, in whole or in part, through injunction proceedings mandatory or otherwise, brought by any party in interest against the deputy commissioner making the order, and instituted in the Federal district court for the judicial district in which the injury occurred \* \* \*

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*Art. 108, La. Code of Practice of 1870.* "Minors, persons interdicted or absent, can not sue, except through the intervention or with the assistance of their tutors or curators."

*Art. 109, La. Code of Practice of 1870.* "Tutors act themselves in all judicial proceedings, in the name of their minors, and in all suits which may be brought for them, without making them parties to said suits.

The curators of persons, interdicted or absent, act judicially in the name of those they represent, in the same manner as tutors of minors."



